

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSHUA BUTLER,)
Plaintiff,)
v.) CIVIL ACTION FILE NO.
GREYSTAR MANAGEMENT) 1:12-CV-3918-CAP
SERVICES, L.P. and RREEF)
AMERICA REIT III CORP. LL)
Defendants.)

**PLAINTIFF'S MOTION TO COMPEL AND SUPPORTING
MEMORANDUM OF LAW**

COMES NOW Plaintiff Joshua Butler (hereinafter "Plaintiff") and files this, his Motion to Compel and Supporting Memorandum of Law against non-party U.S. Security Associates and in support thereof shows this Honorable Court as follows:

STATEMENT OF FACTS

On November 27, 2011, Plaintiff was shot at an apartment complex owned and managed by Defendants. At that time, non-party U.S. Security Associates had a contract with one or both Defendants. As a result, Plaintiff has a good faith belief that non-party U.S. Security Associates has documents which may include crime surveys, security logs, incident reports, crime reports, etc. which may assist the

parties and any fact finder in this matter.

Plaintiff served non-party U.S. Security with a subpoena requiring their attendance on December 13, 2013 or the prior production of documents before that date. U.S. Security failed to provide those documents, comply with the Court's subpoena or make any contact with counsel on that issue.

Subsequent to U.S. Security's failure to comply with the Court's subpoena, Plaintiff's counsel made multiple attempts to contact U.S. Security in an effort to seek compliance with the subpoena and avoid seeking the Court's intervention. Those efforts are more fully detailed in the affidavit of James A. Rice, Jr. attached as Exhibit 1. To date, U.S. Security has failed to comply with the Court's subpoena or make any efforts whatsoever in providing the documents or seek an extension to locate and provide those documents.

LAW AND CITATION OF AUTHORITY

Pursuant to Rule 37, Federal Rules of Civil Procedure, Plaintiff has no other option but to seek a Court order compelling U.S. Security to provide the requested documents and other items given that all other efforts have failed. Plaintiff has shown a good faith basis for those documents and Plaintiff has complied with all procedural requirements to obtain them, but U.S. Security has failed to comply with those same procedural requirements.

Plaintiff has attached a proposed order as Exhibit 2 and respectfully requests that it be executed and entered by the Court compelling U.S. Security Associates to immediately produce the requested documents and other items.

WHEREFORE, Plaintiff respectfully requests that his Motion to Compel against U.S. Security Associates be granted.

This 22nd day of January, 2014.

JAMES A. RICE, JR., P.C.

/s/James A. Rice, Jr.

James A. Rice, Jr.
Georgia State Bar No. 602811
Attorney for Plaintiff

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Atlanta, GA 30308
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CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel of record in the above-referenced matter with a copy of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Michael Goldman
Hawkins Parnell Thackston & Young LLP
4000 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, GA 30308

U.S. Security Associates
c/o CT Corporation, Registered Agent
1201 Peachtree Street
Atlanta, Georgia 30361

This 22nd day of January, 2014.

JAMES A. RICE, JR., P.C.

/s/James A. Rice, Jr.

James A. Rice, Jr.
Georgia State Bar No. 602811
Attorney for Plaintiff

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